## What if the BZA denies my request?

If your request to the BZA is denied, you may elect to modify your original plan and submit the revised plan to the BZA for a rehearing.

Another option is to appeal the decision of the BZA to the Civil District Court of Orleans Parish. This must be done within thirty (30) days of the decision of the BZA.

This brochure is intended to generally answer questions about the Board of Zoning Adjustments. For more information, please call the Department of Safety & Permits at (504) 658-7100 or the City Planning Commission at (504) 658-7000.

City of New Orleans
Department of
Safety & Permits
Rev. 5/10



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# Guidelines for:

Working with the Board of Zoning Adjustments



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CITY OF NEW ORLEANS
DEPARTMENT OF
SAFETY & PERMITS

REV. 5/10

### What is the Board of Zoning Adjustments?

The Board of Zoning Adjustments, or the BZA, is an appeals board attached to the City Planning Commission. Whenever the Department of Safety & Permits denies a permit because the project does not conform to the standards of the Comprehensive Zoning Ordinance (CZO), an applicant may appeal the denial to the BZA. The BZA also hears requests for variances from the standards of the CZO.

The purpose of the variance procedure is to afford an applicant relief from the requirements of the CZO when an unnecessary hardship or practical difficulty exists. The BZA shall authorize variances in harmony with the general purpose and intent of the CZO and in accordance with the nine standards of the Board. Safety & Permits will generally be the office that will refer you to the BZA if a variance is necessary for your project.

#### Who serves on the BZA?

The BZA is made up of seven (7) members appointed by the Mayor with the confirmation of the Council. The members are owners of real property and qualified voters of the City. Board Members are appointed for five (5) year terms.

#### When does the BZA meet?

The BZA meets on the second Monday of each month in the City Council Chamber, Room 1E07 of City Hall. The meetings begin at 10:00 a.m. The BZA hears all matters appearing on the agenda and makes a decision on each appeal based on the application presented. The applicant or his/her designee must be present at the meeting, if no one appears on behalf of the application the BZA will not hear the case.

Applicants who are not prepared to be heard when their item comes up on the agenda may request that their case be deferred until the end of the current meeting or until the next month's meeting. If you or your designee can not appear at the meeting, you must contact the BZA office to request a deferral prior to the meeting date. This request must be in writing.

#### What are the responsibilities of the BZA?

The BZA is charged with the following duties:

- To hear and decide appeals from any decision of the Director of Safety & Permits
- To hear and decide requests for variances on matters delegated under Section 14.6 of the CZO
- To hear and decide special exceptions on matters delegated under Section 14.7 of the CZO
- To hear and decide cases of hardship regarding Article IV, Chapter 4 of the City Code (828 MCS, as amended) known as the Airport Zoning Ordinance.
- To hear and decide what uses are to be permitted in the HI Heavy Industrial Districts, in accordance with the provisions of Section 7.4.4
- To hear and decide whether to allow the expansion of existing railroad facilities, public and governmental uses, public and private schools, colleges and universities in any residential, commercial, non-urban or office district.
- To hear and decide whether to allow the conversion of existing large buildings in the Vieux Carré Districts to multiple-family dwellings, in accordance with the standards in Article 8 of the CZO.

# How do I apply to the BZA?

Variance or appeal applications may be requested from the City Planning Commission office, 1340 Poydras St., 9th Floor. The City Planning Commission's office hours are 8:30a.m. until 6:00 p.m., Monday through Friday.

The City Planning Commission staff will provide you with an application form, requirements sheet, meeting and deadline dates and further explanations of the BZA's rules and procedures.

After all applications are processed, a notice of public hearing is prepared and forwarded to all interested parties. This notice serves as a reminder of the date, time and location of the hearing. Full agendas are available on the day of the meeting.

### What is the application fee?

All applications for a variance or an appeal to the BZA shall be accompanied by a check or money order made payable to the City of New Orleans.

- Applications for single- and two-family residential projects: \$150.
- Applications for projects with three or more residential units: \$250.
- Applications for commercial projects: \$250.
- Safety & Permits Decision Appeals: \$250.

#### How am I notified of the BZA's decision?

All decisions of the BZA stating waivers, denials, and provisos (if any) are forwarded, in writing, to the applicant and Safety & Permits within ten (10) days of the meeting at which your case was heard.

A favorable vote shall not delay the issuance of your permit as long as any conditions stipulated by the BZA are attached to the resolution and all other applicable requirements of the CZO have been met. However, if the BZA requires that additional information or approval be submitted, you must complete those requirements before the permit will be issued.

Safety & Permits will be notified of the decision of the Board and will monitor and enforce the decisions and/or conditions set forth in their decision.

**NOTE:** All decisions of the BZA apply only to the specific case before the Board and sets no precedent for other or future cases. Each case is heard individually and specifically on its merits.

# What if the BZA requires a covenant?

If the BZA requires a covenant, you are responsible for having an attorney prepare the legal document required in a form acceptable to the City Attorney's Office. Upon approval of the City Attorney's office, the document must be recorded in the Office of Conveyances, located in the Amoco Building (1340 Poydras St.), 4<sup>th</sup> Floor. After the documents are recorded, two (2) certified copies shall be submitted, one to the BZA and the other to Safety & Permits. This must be completed within 90-days of the BZA decision.